

Bureau of Land Management, Interior

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as unauthorized users may be subject to civil action for unauthorized use of the public lands or related waters and their resources, or violations of the permit terms or stipulations.

[49 FR 34337, Aug. 29, 1984]

§ 8372.1 Permits required.

§ 8372.1-1 Public lands, general.

Special recreation permits are required for (a) commercial use, (b) competitive use, (c) off-road vehicle events involving 50 or more vehicles, and (d) special area use where the authorized officer determines the criteria of the Land and Water Conservation Fund Act, as amended, the Sikes Act, the Wild and Scenic Rivers Act, Federal Land Policy and Management Act, the Taylor Grazing Act, or National Trails Act require their issuance.

§ 8372.1-2 Special areas.

With the exception of use in special areas, special recreation permits are not required for recreational use by individuals, or individual immediate families. Notice will be given in the FEDERAL REGISTER and regional news media when special recreation permits are required for recreational use other than commercial, competitive, and off-road vehicle use in a special area. Access points in special areas will also be posted notifying the public of required permits for recreational use, other than commercial, competitive, and off-road vehicle use.

§ 8372.1-3 Exceptions.

(a) Special Recreation Permits are not required for uses that are sponsored or co-sponsored by the Bureau of Land Management.

(b) The authorized officer may determine that permits and fees are unnecessary where a use or event begins and ends on non-public lands or related waters, traverses less than 1 mile of public lands or 1 shoreline mile, and poses no threat of significant damage to public land or water resource values.

(c) The authorized officer may waive permit and fee requirements for competitive events that are not commercial when the events comply with off-road vehicle designations for the use area, no cash prizes are awarded, fewer

than 50 vehicles including those of participants and spectators are involved, there is no public advertising for the event and there is no likelihood of significant damage to public land or water resource values or need for monitoring.

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§ 8372.2 Applications.

(a) *Forms and maps.* Applications for special recreation permits shall be made to the authorized officer on forms approved by the Director, Bureau of Land Management. Applications shall include a map of sufficient scale and detail to allow identification of the proposed use area on the ground. The authorized officer may waive the requirement for maps where appropriate.

(b) *Supplemental information.* The authorized officer may require the applicant to submit supplemental information in sufficient detail to evaluate the impact of the proposed event upon the lands and environment, including measures the applicant would take to mitigate impacts on the lands and environment.

(c) *Filing.* (1) The application shall be filed in the office of the Bureau having jurisdiction over the lands to be used. The application shall be filed a minimum of 120 days in advance of intended use unless a shorter time is authorized by the authorized officer. Applications may be filed by mail or in person.

(2) Within 30 days of the filing date or within 15 days of the desired use date, whichever is earliest, the authorized officer shall inform the applicant if the decision on issuing the permit will be delayed.

(3) The authorized officer may establish a maximum time by which applications will be accepted prior to date of proposed use.

§ 8372.3 Issuance of permits.

The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer.

§ 8372.4 Fees.

(a) *Fees.* (1) Fees for Special Recreation Permits shall be established and maintained by the Director, Bureau of

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Land Management, and may be adjusted from time to time to reflect changes in costs. The fee schedule shall be incorporated in the Manual of the Bureau of Land Management, published periodically in the FEDERAL REGISTER and otherwise made generally available to the public.

(2) Actual costs to the United States shall be charged in lieu of the fees provided in the schedule when the estimated cost of issuing and monitoring the permit (estimated at the time of application) exceeds \$5,000, except when the total estimated fees from the schedule over the term of the permit exceed the estimated actual cost. In that case, the fees from the schedule shall be charged. The authorized officer shall notify the applicant in writing of such charges within 30 days of receipt of the permit application and shall not process said application until payment has been made for such charges.

(b) *Payment of use fees.* (1) Payment of fees will be required at the time a permit is issued.

(2) Where the amount of intended use is precisely specified in the application, the fee shall be nonrefundable. However, on receipt by the authorized officer of notification from the applicant of the intention not to use the permit in whole or in part, in sufficient time to allow reallocation of use to others, the authorized officer may refund the fee, less a minimum amount for permit processing.

(3) Where the amount of intended use cannot be precisely determined, the fee will be based on an estimation and payment will be required of that amount. The fee will be adjusted, based on actual use, after use is made. Refunds will be made or additional payment will be required to the extent the payment requirement for actual use varies from the initial amount paid by \$10.

(4) If an applicant is unable to pay the fee in advance, the authorized officer may allow the posting of a payment bond or other guarantee in an amount equal to the actual or estimated fee. The authorized officer will establish a payment date which is no later than 15 days following the use period.

(c) *Exceptions, exclusions, and exemptions.* (1) Nothing contained herein shall authorize Federal hunting, trap-

ping, or fishing licenses, permits, or fees.

(2) Fees under provisions of this part shall not be charged and permits shall not be required for commercial or other activities not related to recreation. Permits may be required but fees shall not be charged for uses including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes.

(3) Applicants for waiver of fees on this basis may be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State, or local government bodies or any other documentation necessary to demonstrate educational use as defined in § 8372.0–5(e) of this title. The use of recreational resources for which a waiver on this basis is requested shall relate directly to scientific or educational purposes and shall not be primarily for recreational purposes.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.5 Terms.

(a) *General.* (1) The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. The terms of the permit shall continue to run during any such suspension.

(2) Permits may be issued for a day, season of use, or such other time period considered appropriate by the authorized officer for the use involved.

(3) A special recreation permit will not be issued for an area larger than the authorized officer determines is necessary for the contemplated use. The land may be surveyed or unsurveyed.

(4) The operator or permittee shall allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent books, documents, papers, and records of the operator or permittee involving transactions related to the permit. The operator or permittee also will allow the authorized officer, or other duly